

REMARKS

This Amendment is being submitted in response to the final Official Action dated 14 November 2006, the deadline for response being 14 February 2007. The amendment raises no new issues and entry is respectfully requested. Claims 1-4 remain pending in this application. Allowance of this application is respectfully requested.

The Examiner rejected claims 1 and 2 under 35 U.S.C. §103 (a) as being unpatentable over Kolpin (U.S. Patent No. 2,901,018 issued on August 25, 1959) in light of Jones (U.S. Patent No. 6,256,922 issued on July 10, 2001). The Examiner contends that the Kolpin '018 patent discloses each and every element of claims 1 and 2 except: 1) the "elongate enclosure closed along said side and said end has a sidelong access opening selectively closeable with fold over flaps attached by hook and loop fasteners and a second fold over flap moveable between an open and closed position releasably secured over the sidelong access opening to prevent access to the fabric enclosure, whereby when both of said first and second flaps are moved to their respective open positions to fully expose said conjoined sidelong and end access openings they allow the gun case to be quickly turned inside out for cleaning and or drying." The Examiner also acknowledges that Kolpin '018 does not disclose that the fold over flap for the end access opening is attached by hook and loop fasteners. Nevertheless, the Examiner argues that Jones '922 bridges these gaps with a firearms case with a first fold over flap (Fig. 7 at ref 160 to the far left), an end access opening (Jones Fig 1 reference number 110), a second fold over flap (Fig 7 at ref 160 near ref 100) and a conjoined sidelong access opening (100) both with Velcro closures (Fig 7 reference number 160) attached. According to the Examiner, it would have been obvious to modify the case of Kolpin to include a side access opening, a second fold over flap and Velcro

closures, as taught by Jones, for the purpose of easier encasing firearms of various sizes (Jones column 2 lines 29-30).

First of all, it is imperative to note at the outset that the configuration of the present invention is not for the purpose of easier encasing firearms of various sizes as attributed by the Examiner and suggested by Jones (column 2 lines 29-30). Rather, the present device allows for complete inversion for quick, convenient cleaning and/or drying. To accomplish this, the present gun case has *conjoined access openings*, including a first (end) access opening and second (sidelong) access opening. The first access opening at the end of the gun case is closed over by a first fold over flap, and the second access opening provided along the length of the gun case is also closeable by a second fold-over flap. Claim 1 explicitly reflects the foregoing as well as the specific construction by which these features are achieved (shell and padded inner liner folded lengthwise and sewn together at one end to form an elongate enclosure permanently closed along one side and said end), with “*conjoined* sidelong and end access openings; and first and second flaps which when moved to their respective open positions fully expose the conjoined sidelong and end access openings to allow the gun case to be quickly turned inside out for cleaning and/or drying.

The Examiner has given the Kolpin ‘018 patent too much credit inasmuch as Kolpin merely discloses a firearm casing formed from shell and padded inner liner with a foldover flap at one end, and a rubber bumper at the other end to protect the barrel of the firearm when the firearm and case are stood on the barrel end. The Examiner credits Kolpin ‘018 as disclosing shell and padded inner liner folded lengthwise and sewn together at one end. This is clearly not shown in the drawings or specification of the Kolpin ‘018 patent, and indeed at column 1, lines 69-71 Kolpin ‘018 suggests sewing two sides together at the margins. This is not equivalent to

nor suggestive of the “shell and padded inner liner being folded lengthwise and sewn together at one end to form an elongate enclosure permanently closed along one side and said end”. This claim element is essential since it contributes to the inversion capability and is therefore not to be discounted or overlooked, and the Examiner as failed to make a prima facie case of obviousness since he wrongly attributes it to Kolpin.

In addition, the Examiner has given the Jones ‘922 patent too much credit. Jones ‘922 simply discloses an elongated firearm jacket with apertures for accessing a sight and the insertion and ejection of shells. The Jones ‘922 jacket was designed to wrap around a firearm whilst still allowing its full use. The Examiner credits Jones ‘922 with disclosing a firearms case having a first fold over flap 160, an end access opening 110, a second fold over flap at 160 near 100, and a conjoined sidelong access opening 100. The Examiner misconstrues the stock flap 100 to be a sidelong access opening 100. The stock of a firearm is the wooden or metal piece to which the barrel and mechanism of a rifle are attached, and thus the “stock flap” is not “sidelong” and does not cover the entire side of the firearm. In present claim 1 the sidelong opening is formed by the shell and padded inner liner being folded lengthwise and sewn together at one end to yield conjoined sidelong and end access openings that run substantially the length and width of the claimed gun case. Applicant herein proposes a simple amendment to make this more clear and further distinguish the “stock flap 100” of Jones. Specifically, claim 1 is amended to require the case to be “open along a majority of another side and end and defining” the conjoined sidelong and end access openings. This distinguishes the Jones stock flap which is not open along a majority of the side. Additionally, it is unclear what the Examiner indicates as the second fold over flap, since the reference 160 only refers to fasteners and 100 is the stock flap that the Examiner is equating to the sidelong access opening. It appears that the Examiner is

bootstrapping the sidelong access opening and second foldover flap, which is inappropriate since the two are distinct features as is evident in claim 1. Again, the Examiner as failed to make a prima facie case of obviousness since he wrongly attributes claimed features to Jones.

In sum, Neither Kolpin '018 nor Jones '922 show the combination of 1) first fold-over flap 8 at the widened end of the gun case and securable by Velcro™ over front of the gun case thereby preventing access to the enclosure (Fig. 2); 2) a second flap 9 occupying a majority of the length of the gun case 5 and securable by Velcro™ over the front of the gun case (Figs. 1 and 2); and 3) a first flap 8 opening conjoining the second flap 9 opening. These features appear in claims 1 and 2 as "the combination of a shell and padded inner liner folded lengthwise and sewn together at one end to form an *elongate enclosure permanently closed along one side and said end, and open along a majority of another side and end and defining conjoined sidelong and end access openings and the first and second flaps* which when moved to their respective open positions *fully expose the conjoined sidelong and end access openings*. These synergistic features are essential to the purpose, and they simply are not taught or suggested by the combined references. Thus, the entire essence of the present invention is missing from both Kolpin '018 and Jones '922. Not only is the foregoing structure missing, but the recited function is missing as neither Jones nor Kopin *allow the gun case to be quickly turned inside out for cleaning and/or drying*. Hence, claim 1 is patentably distinguished. Likewise, depending claim 2 is patentably distinguished.

The Examiner also rejected claim 3 under 35 U.S.C. §103 (a) as being unpatentable over the Kolpin '018 patent and the Jones '922 patent as applied to claim 1, and further in view of Binney (U.S. Patent No. 4,257,464 issued on March 24, 1981). The Examiner asserts that the combination of the Kolpin '018 patent with the Jones '922 patent arrives at claim 1 and the

*Application of: WOOD, et al.*

*Appln. No. 10/804,458*

*Page 8*

Binney '464 patent discloses a liner including a woven facing that is impregnated with a rust preventative to inhibit corrosion of a gun stored therein to arrive at claim 3. As stated above, Applicant asserts that the combination of the Kolpin '018 patent with the Jones '922 patent does not arrive at the present invention as claimed in claim 1. Since claim 3 depends on claim 1, it is believed that claim 3 is likewise patentably distinguished.

The Examiner rejected claim 4 under 35 U.S.C. §103 (a) as being unpatentable over the Kolpin '018 patent and the Jones '922 patent and further in view of Broun et al. (U.S. Patent No. 5,431,970 issued on July 11, 1995). The Examiner asserts that the combination of the Kolpin '018 patent with the Jones '922 patent arrives at claim 1 and the Broun et al. '970 patent discloses a tri-layer of protective material for cases where the middle layer is made of foam to protect against impact and abrasion of the contents held within the case, to arrive at claim 4. As stated above, Applicant asserts that the combination of the Kolpin '018 patent with the Jones '922 patent does not arrive at the present invention as claimed in claim 1. Claim 4 depends on claim 1, thus it is believed that claim 4 is likewise patentably distinguished.

*Application of: WOOD, et al.*  
*Appln. No. 10/804,458*  
*Page 9*

In view of the above, pending claims 1-4 are believed to avoid all the rejections set forth in the final Official Action. The case should be in allowance. The Examiner is requested to enter the proposed amendment to claim 1 to facilitate prosecution. The amendment was not earlier presented because it was prompted by the specific element-by-element analysis of Jones first included in the Official Action of 14 November 2006. A Notice to this effect is respectfully requested, and the Examiner is invited to call the undersigned at (410) 347-7303 to discuss any remaining issues.

Respectfully submitted,



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